

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT
ARM 12.5.707 pertaining to)	
Removing Canyon Ferry Reservoir)	
from the list of Identified Bodies of)	
Water Confirmed or Suspected for)	
Aquatic Invasive Mussels)	

TO: All Concerned Persons

1. On December 27, 2019, the Department of Fish, Wildlife and Parks (department) published MAR Notice No. 12-524 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 2288 of the 2019 Montana Administrative Register, Issue Number 24.

2. The department has amended the above-stated rule as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: The department received numerous comments in support of the amendment to remove Canyon Ferry Reservoir from the list of waterbodies identified as confirmed or suspected of AIS.

RESPONSE #1: The department appreciates your participation and support in this rulemaking process.

COMMENT #2: The department received a comment in support of keeping both the mandatory inspections and the local boater program in place at Canyon Ferry.

RESPONSE #2: Early detection monitoring will continue on Canyon Ferry for years to come. The current lack of evidence of invasive mussels supports lifting restrictions.

COMMENT #3: A comment was received in support of removing Canyon Ferry from the list and also questioned why Tiber was not also being removed from the list.

RESPONSE #3: Tiber had multiple invasive mussel larvae detected on two separate occasions in 2016. On Canyon Ferry, only one larva was detected during one sampling event. These situations have occurred in other states and standard western protocols have been established for listing and delisting waters for mussels. For a situation like Canyon Ferry, delisting can be evaluated after three years. For situations like Tiber where detections occurred during two separate sampling events, five years of restrictions are required.

COMMENT #4: A comment was received that stated that unless migratory waterfowl could be stopped from migrating, there is no way to stop AIS.

RESPONSE #4: Watercraft inspection is the best available tool to address the spread of AIS on watercraft. There is no data supporting the transport of AIS on waterfowl for long distances.

COMMENT #5: A few comments were received in opposition to removing Canyon Ferry stating that with increased growth it only takes one boat and that it is not worth the risk.

RESPONSE #5: Resources that were dedicated to Canyon Ferry are being allocated to stations at state borders and on the Continental Divide, expanding the inspection season and hours of operation, which will help address the risk to all Montana's waters.

COMMENT #6: A few comments were received in support of removing Canyon Ferry and focusing efforts instead on the borders of Montana.

RESPONSE #6: Resources from Canyon Ferry will be reallocated to borders and the Continental Divide.

COMMENT #7: A comment was received in support of removing Canyon Ferry but also questioning if that meant the local boater program would go away and if there would still be mandatory inspection stations at the boat ramps.

RESPONSE #7: Mandatory exit inspections will no longer be required on Canyon Ferry. The Certified Boater program will be discontinued for Canyon Ferry.

COMMENT #8: A comment was received stating that decisions should not be made based off of eDNA analysis as a negative result may not mean that there is an absence of that organism in the waterbody.

RESPONSE #8: FWP does not make decisions on the presence or absence of invasive mussels based on eDNA.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Martha Williams
Martha Williams
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 4, 2020.